

HITCHCOCK COUNTY BOARD OF ADJUSTMENT

Trenton, Nebraska
October 14, 2014

The Hitchcock County Board of Adjustment met on Tuesday, October 14th, 2014 at 3:00 p.m. in the Community room, Hitchcock County Courthouse, 229 East D Street, Trenton, Nebraska.

Chair Garner called the meeting to order and read the open meetings statement as follows: It is the policy of the board that the formation of public policy is public business and may not be conducted in secret. This board conducts its' business in accordance with the open meetings act. The roll was called and the following members were present: Doug Garner, Robert Brown, Roland Miller Frank Stehno, Paul Forch and Chris Williamson. Also present were County Attorney D. Eugene Garner, recording secretary Margaret Pollmann and Chris Maris representing applicant.

Notice of the meeting was given in advance thereof by publication in the Hitchcock County News, the designated method for giving notice. Notice of this meeting was given to the Chair and all members of the Board. The agenda was also posted on the county's website <http://www.hitchcockcounty.ne.gov>. Availability of the agenda was communicated in the advance notice and in the notice to the Chair and the Board. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public. Chair publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy in the room where the meeting was being held.

Member Miller moved to dispense with the reading of the January 17th, 2014 meeting minutes as they had been previously reviewed and to approve and accept said minutes. The motion was seconded by Forch and after consideration the following members voted in favor of said motion: Forch, Miller, Garner, Brown, Stehno, and Williamson. Motion carried.

Chair Garner recessed the meeting at 3:10 p.m. in order to enter into a public hearing to hear the applicant and all comments thereon from the public in attendance and to receive evidence regarding the Application for a Variance to the Requirement of Zoning Regulations filed by Gerald Maris for construction of a three stall garage in the General Agricultural District on land located on Part of the NW¼ of the NE¼ of Section 3, Township 3 North, Range 31, West of the 6th P.M., Hitchcock County, Nebraska.

Chair Garner opened the public hearing at 3:11 p.m. and asked that Chris Maris advise as to the duly filed application for variance. Mr. Maris briefly described the reason for the application and the details regarding construction and the need for a variance to the zoning regulations. Further Mr. Maris advised that at least two area/adjacent property owners were contacted and were not in opposition of the proposed variance.

Discussion was held regarding finding requirements found in Article 9 Section 907 of the Zoning Regulations.

Chair Garner asked for testimony from those who were in favor of the variance. Mr. Maris offered that he was in favor of being granted said variance for reasons previously stated.

Chair asked for testimony from those who were in opposition to granting the variance. There being none, Chair asked for testimony from those in a neutral position. There were none.

The following exhibits were received by Chair Garner for consideration by the board:

- Exhibit #1 – Survivorship Warrant Deed filed 11-7-95 in Book 63 Page 119
- Exhibit #2 – Warrant Deed filed 3-15-11 in Book 69 Page 455
- Exhibit #3 – Joint Tenancy Warranty Deed filed 7-13-87 in Book 58 Page 171
- Exhibit #4 – Warranty Deed filed 4-20-01 in Book 65 Page 521

- Exhibit #5 – Survivorship Warranty Deed filed 5-15-86 in Book 57 Page 489
- Exhibit #6 - Warranty Deed filed 9-20-07 in Book 68 Page 173
- Exhibit#7 - Warranty Deed filed 9-5-91 in Book 60 Page 637
- Exhibit #8 – Right of Way Easement filed 3-30-81 in Book 49 Page 137
- Exhibit #9 – Meeting Notice & Notice of Public Hearing
- Exhibit #10 – Certificate of Mailing on Notice of Public Hearing
- Exhibit #11 – Zoning Administrators Staff Report dated October 13, 2014

Chair asked for any further documents to be offered for consideration. There were none.

Chair Garner declared the public hearing concluded at 3:28 p.m. this date and re-entered board of adjustment regular meeting.

Chair inquired as to whether any of the board members had any conflict of interest regarding the application being considered. No conflicts were declared.

Member Forch moved to make the following findings pursuant to Hitchcock County Zoning Regulations Section 907.03:

1. The strict application of the regulations would produce undue hardship: The variance will not in any way be a detriment to adjacent properties and the character of the district will not be changed by the granting of such variance; applicant is desirous of improving the property and the one acre was purchased prior to implementation of zoning regulations.
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity: There will be no change in land use; the issue is not similar to other properties in the vicinity as they are part of larger farm sites/acreages.
3. The authorization of such variance shall not be of substantial detriment to adjacent properties and the character of the district will not be changed by the granting of such variance; granting a variance will be in harmony with the purpose and intent of the resolution and will not be injurious to adjacent lands or otherwise detrimental to the public welfare; this board encourages new construction/improvements to property in the County; all adjacent land owners notified as evidenced by Exhibit #10 but were not in attendance.
4. The granting of such variance is based upon reasons of demonstrable and exceptional hardship as distinguished from variations for purposes of the owner's convenience, profit or caprice. The variance is not solely for the owner's convenience, profit or caprice and all conditions relating to granting said variance have been satisfied.

Member Miller seconded the motion, whereupon the motion came on for discussion.

Attorney Garner advised as to past zoning variance applications and changes made to setback regulations pursuant to the May 2012 update of the County's Zoning Regulations.

Upon conclusion of discussion on the motion, Chair called for a roll call vote and the following members voted in favor of said motion: Williamson, Stehno, Brown, Miller, Forch, and Garner. Motion carried.

Member Forch moved to grant the variance requested by Gerald Maris in relation to land located in Part of the NW¼ of the NE¼ of Section 3, Township 3 North, Range 31, West of the 6th P.M., Hitchcock County, Nebraska for construction of a three stall garage in the General Agricultural District based on the above listed findings. Member Brown seconded the motion, whereupon the motion came on for discussion. There being no further discussion Chair Garner called for a roll call vote on the motion. The following members voted in favor of the motion: Stehno, Garner, Brown, Forch, Williamson, and Miller. Motion carried

Chair inquired as to Agenda Item #9, new business. There was none. Chair inquired as to Agenda Item #10, old business. There was none.

With no further business, member Forch moved to adjourn. Member Williamson seconded the motion and a roll call vote was taken. The following members voted in favor of the motion: Garner, Williamson, Brown, Miller, Stehno, and Forch. Motion carried.

/s/ Frank Stehno
Frank Stehno, Secretary

/s/ Margaret M. Pollmann
Margaret M. Pollmann, Recording Secretary